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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT SDNY

CAPIPOL RECORDS, LLC; CAROLINE
RECORDS, INC.; EMI CHRISTIAN MUSIC
GROUP INC.; PRIORITY RECORDS LLC;
VIRGIN RECORDS AMERICA, INC.;
BEECHWOOD MUSIC CORP.; COLGEMS-EMI
MUSIC INC.; EMI APRIL MUSIC INC.; EMI
BLACKWOOD MUSIC; EMI FULL KEEL
MUSIC; EMI GOLDEN TORCH MUSIC CORP.;
EMI LONGITUDE MUSIC; EMI VIRGIN MUSIC,
INC.; EMI VIRGIN SONGS, INC., EMI AL
GALLICO MUSIC CORP., EMI ALGEE MUSIC
CORP., EMI FEIST CATALOG, INC., EMI GOLD
HORIZON CORP., EMI GROVE PARK MUSIC,
INC., EMI HASTINGS CATALOG, INC., EMI
MILLS MUSIC, INC., EMI MILLER CATALOG,
INC., EMI ROBBINS CATALOG, INC., EMI U
CATALOG, INC., EMI UNART CATALOG, INC.,
JOBETE MUSIC CO., INC., SCREEN GEMS-EMI
MUSIC, INC., STONE AGATE MUSIC, and
STONE DIAMOND MUSIC,

Plaintiffs,

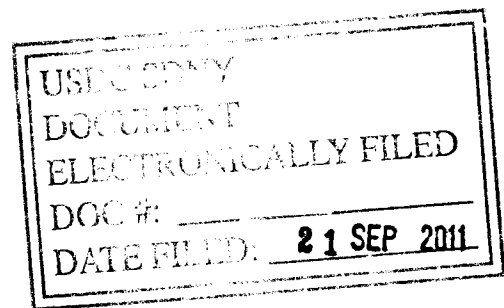
v.

MP3TUNES, INC. and MICHAEL ROBERTSON,

Defendants.

CIVIL ACTION NO. 07-Civ. 9931 (WHP)
ECF Case

NOTICE OF APPEAL



PLEASE TAKE NOTICE that defendants MP3tunes, Inc. ("MP3tunes") and Michael Robertson ("Robertson") hereby appeal to the United States Court of Appeals for the Second Circuit from the portions of the Memorandum and Order of the District Court for the Southern District of New York (William H. Pauley III) entered on August 22, 2011 holding that:

(1) MP3tunes and Robertson were not entitled to Digital Millennium Copyright Act safe harbor immunity for claims related to certain songs noticed by non-parties EMI Music Group North

America and EMI Entertainment World because MP3tunes and Robertson did not remove the songs from users' storage lockers; (2) MP3tunes and Robertson are liable for contributory copyright infringement with respect to songs which MP3tunes did not remove from users' lockers; and (3) Robertson is personally liable for direct copyright infringement for certain songs sideloaded into his MP3tunes locker. A copy of the August 22, 2011 Memorandum and Order is annexed hereto as Exhibit 1.

Dated: New York, New York
September 22, 2011

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